

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

-vs-

MICHAEL PHILPOTT

Defendant

CASE NO. 1:12 CR 449-3

ORDER ACCEPTING PLEA
AGREEMENT AND JUDGMENT

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh regarding the change of plea hearing and plea agreement of Michael Philpott which was referred to the Magistrate Judge with the consent of the parties.

On 26 September 2012, the government filed a three-count indictment against Michael Philpott for conspiracy to possess with intent to distribute and to distribute cocaine in violation of 21 U.S.C. § 846, and use of a communication facility to facilitate a drug trafficking offense in violation of 21 U.S.C. § 843(b). On 2 October 2012, a hearing was held in which Michael Philpott entered a plea of not guilty before Magistrate Judge McHargh. On 8 November 2013, Magistrate Judge McHargh received Michael Philpott's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Raymond Jackson is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Michael Philpott is adjudged guilty of Count One in violation of 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(B).

IT IS SO ORDERED.

Dated:

12/16/2013


UNITED STATES DISTRICT JUDGE